

*State of New York
Unified Court System*



*Lawrence K. Marks
Chief Administrative Judge*

*25 Beaver Street
New York, N.Y. 10004
(212) 428-2100*

December 13, 2017

To: Bar Associations, Legal Service Providers,
Other Interested Organizations, and Attorneys

Re: New York State Courts Electronic Filing Program

Dear Counsel:

Pursuant to Section 212 of the Judiciary Law, the Chief Administrative Judge of the State of New York must submit to the Legislature, the Governor, and the Chief Judge an annual report evaluating the state's experience with electronic filing and containing recommendations for further legislation. In connection with the preparation of this report, which is due February 1, 2018, I write to invite comments about the implementation of the e-filing program.

I am also inviting comments on proposed legislative changes that we are considering for inclusion in the February report. The changes under consideration relate to the authority of the Chief Administrative Judge to expand mandatory e-filing. Under current law, the Chief Administrative Judge decides the courts and case types in which e-filing should proceed. Mandatory e-filing, however, is prohibited in certain civil case categories in Supreme Court, such as matrimonial, election, Article 78 and Mental Hygiene Law cases, and in many case types in New York City Civil Court. We are considering a proposal that would eliminate some of these restrictions.

If any of the current legislative exclusions from mandatory e-filing were eliminated, a mandatory program could be implemented by order of the Chief Administrative Judge issued only after consultation with the Bar, the legal services providers and other groups. Moreover, in Supreme Court, the consent of the County Clerk of an affected county outside New York City would be required.

This proposal would not affect other existing provisions in the e-filing legislation. For example, unrepresented persons would continue to be exempt from e-filing unless they affirmatively choose to participate in a particular case. Also, attorneys lacking the necessary

equipment or knowledge would continue to have the right to opt out of e-filing. Furthermore, the e-filing system would continue to provide for confidential treatment of cases such as matrimonial actions.

In order that we may have the time needed to prepare the report, please submit any comments by January 5, 2018. All comments received will be included in the 2018 report. Comments should be sent by e-mail or regular mail to either of the following addresses:

Jeffrey Carucci
Statewide Coordinator for Electronic Filing
NYS Unified Court System
New York County Courthouse
60 Centre Street, Room 119 M
New York, New York 10007
or
efilingcomments@nycourts.gov

We look forward to your comments on this program.

Very truly yours,

A handwritten signature in black ink, appearing to read "Louis H. Spel". The signature is written in a cursive style with a large, looping initial "L".